

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00137

JOSEPH CLEVELAND FERRELL
SOUTHERN AMUSEMENT CO., INC.

FOURTH RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S STANDARD DISCOVERY REQUESTS AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on June 23, 2009, the United States of America, by counsel, herewith makes this fourth response to defendants' Standard Discovery Requests.

1. As part of the material provided by the initial discovery response, the United States provided certain IRS records on Disk 4 Bates-numbered DISCOVERY-062232 through DISCOVERY-062351. Later, in its third discovery response, the United States provided certain Social Security records on Disk 7 Bates-numbered DISCOVERY-062232 through DISCOVERY-062733. To correct this duplication of Bates numbers the United States herewith provides Disk No. 8, which contains a second copy of the IRS records, now Bates-numbered DISCOVERY-062917 through DISCOVERY-063036.

2. Disk No. 8 also contains additional documents responsive to defendants' discovery requests and additional memoranda of interviews and conversations. An index of these materials is included on the disk.

3. Also provided herewith are disks containing undercover recordings made by defendant FERRELL, labeled 1B-65, 1B-66, 1B-68, 1B-69, and 1B-70.

4. The United States possesses images of the hard drives of the two computers seized pursuant to a search warrant executed at defendants' business in 2005 and later returned to defendants. Please advise the undersigned if you wish a copy of these images.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 10 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "FOURTH RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing and via hand delivery on the 9th day of October, 2009, to:

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P.O. Box 3394
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